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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 5994 of 2007

PETITIONER

Mahavir Sai Paikra, S/o late Shri Dhopsai Paikra, Aged about 19 years, R/o Village and post Surangpani, Tah. - Patthalgaon, Block Patthalgaon, District Jashpur (C.G.)

Versus

RESPONDENTS

- 1 State of Chhattisgarh, Through Secretary Tribal Welfare, Department Mantralaya, D.K.S. Bhawan, Raipur, District Raipur (C.G.)
- 2 The Collector, Jashpur, District Jashpur (C.G.)
3. The Assistant Commissioner, Tribal Welfare Department, District Jashpur (C.G.)
4. The District Education Officer, District Jashpur (C.G.)
5. Block Education Officer, Block Patthalgaon, District Jashpur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Dhani Ram Patel, Counsel for the petitioner.

Shri Vinay Pandey, Panel Lawyer for the State on advance copy.

ORAL ORDER

(09.10.2007)

SUNIL KUMAR SINHA, J

Heard finally with the consent of the parties.

The brief facts are that the petitioner's father was working as an Upper Division Teacher in Middle School, Buldega, Block Pathalgaon, District Jashpur (C.G.), which comes under the Tribal Welfare Department. He died in the harness on 2/12/2003. After his death, an application for compassionate appointment was submitted by the petitioner, which was duly forwarded by the Head Master of



Middle School, Buldega, which is clear from page No.21 of the Writ Petition.

Learned counsel for the petitioner submits that though the application was submitted for compassionate appointment, but no order has been passed on the said application and as per the information of the petitioner, the same is lying in the office of respondent No.3- Assistant Commissioner, Tribal Welfare Department, District Jashpur (C.G.). For the time being, learned counsel makes a limited prayer that a direction may be issued to the respondents particularly respondent No.3 to dispose of the application filed for compassionate appointment of the petitioner, which is pending in his office.

This limited prayer made by learned counsel for the petitioner is not opposed by learned counsel for the State. However, learned counsel for the State submits that it is not clear from the pleadings and documents filed alongwith the Writ Petition as to whether any such application is pending till date or not.

In the facts and circumstances, the aforesaid limited prayer is allowed.

It is directed that if the application filed for compassionate appointment has not been disposed of so far by respondent No.3, the same shall be disposed of as early as possible preferably within a period of 60 days from the date of receipt of the certified copy of this order alongwith a copy of Writ Petition and documents annexed with it.

If the application has not reached to the office of respondent No.3 and it is in transit, respondent No.3 shall call the same from respondents No.4 & 5 and shall take appropriate decision on the said application in accordance with law and if any order has already been passed on the said application, the same shall be communicated to the petitioner.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge